

Mail Stop Interference
P.O. Box 1450
Alexandria, Va. 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

Human Genome Sciences, Inc.,
Junior Party
(Application 09/042,583-IFW
Inventors: Jian Ni, Reiner L. Gentz,
Guo-Liang Yu and Craig A. Rosen),

v.

Immunex Corp.,
Senior Party
(Patent 6,569,642
Inventors: Charles Rauch and Henning Walczak).

Patent Interference No. 105,380 (RES)

JUDGMENT-PRIORITY

Before SCHAFER, GARDNER LANE and TIERNEY, *Administrative
Patent Judges.*

SCHAFER, *Administrative Patent Judge.*

A decision denying Junior Party Human Genome Sciences' (HGS) motion for priority has been entered. Paper 158. Accordingly it is appropriate to enter judgment against HGS finally refusing its involved claims.

ORDER

It is

ORDERED that Claims 287, 289-299, 351-361, 389-403, 431, 432, 434-442, 446, 448-458, 507-517, 580-596, 598-607, and 623-632 of HGS Application 09/042,583 are finally refused (35 U.S.C. § 135(a));

FURTHER ORDERED that a copy of this Judgment and the Decision on Priority (Paper 158) be made of record in the files of Application 09/042,583 and Patent 6,569,642; and

FURTHER ORDERED that if there is any settlement agreement or related documents which have not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/ Richard E. Schafer/
RICHARD E. SCHAFFER
Administrative Patent Judge

/ Sally G. Lane/
SALLY G. LANE
Administrative Patent Judge

/Michael P. Tierney/
MICHAEL P. TIERNEY
Administrative Patent Judge

)
)
)
)
)
) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES

cc (electronic filing):

Counsel for HUMAN GENOME
SCIENCES, INC:

Richard L. Delucia, Esq.
John R. Kenny, Esq.
KENYON & KENYON LLP
One Broadway
New York, NY 10004
Telephone: (21 2) 425-7200
Facsimile: (21 2) 425-5288
Email: rdelucia@kenyon.com
Email: jkenny@kenyon.com

Attorney for GENENTECH
(Interference 105,361):
Oliver R. Ashe, Jr. Esq.
ASHE, P.C.
11440 Isaac Newton Square North
Suite 210
Reston, VA 20190
Tel: 703-467-9001
Fax: 703-467-9002
Email: oashe@ashepc.com

Counsel for IMMUNEX
CORPORATION:

Michael J. Wise, Esq.
PERKINS COIE LLP
1620 26th Street,
6th Floor, South Tower
Santa Monica, CA 90404-4013
Tel: 310-788-3210
Fax: 310-788-3399
Email: mwise@perkinscoie.com